

Exhibit C

IRAP FOIA Request to the State
Department



International Refugee
Assistance Project

Date: 08/20/2021

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite B266
Washington, DC 20520-0000

Sent via Mail

RE: FOIA Request for Records Related to the Agency's Compliance with the FOIA

Dear Freedom of Information Officer:

This letter constitutes a request pursuant to the Freedom of Information Act (FOIA) on behalf of the International Refugee Assistance Project (IRAP). IRAP seeks a fee waiver.

RECORDS REQUESTED

IRAP seeks disclosure of:

1. An index of major information systems maintained by the State Department, as required under 5 U.S.C. § 552(g)(1) (requiring agencies to make available, in electronic format, an index of all major information systems);
2. A description of major information and record locator systems maintained by the State Department, as required under 5 U.S.C. § 552(g)(2) (requiring agencies to make available, in electronic format, descriptions of such systems);
3. All processing manuals, policies, procedures, guidelines, guidance, memoranda, training materials, and other similar records relating to the State Department's obligations under or compliance with 5 U.S.C. § 552(a)(2)(D) (requiring agencies to affirmatively disclose specified records) that have been issued or updated since January 1, 2016;
4. All processing manuals, policies, procedures, guidelines, guidance, memoranda, training materials, and other similar records relating to the State Department's processing of requests under the Freedom of Information Act that have been issued or updated since January 1, 2016, including but not limited to:
 - a. the processing of FOIA requests by State department components;
 - b. the processing of requests that are the subject of litigation;
 - c. the referral of records or requests to other agencies; and

- d. the processing of requests based on their subject matter and/or the requestor.

THE REQUESTOR

IRAP is a 501(c)(3) nonprofit and nonpartisan organization that organizes law students and lawyers to develop and enforce a set of legal and human rights for refugees and displaced persons. IRAP utilizes media and systemic policy advocacy, direct legal aid, and impact litigation to serve the world's most persecuted individuals and empower the next generation of human rights leaders.

IRAP publishes reports, know-your-rights documents, and other educational materials that are widely disseminated to the public, including through its website. These materials are made available to everyone—including tax-exempt organizations, non-profit groups, lawyers, law students, refugees, and other displaced people—free of charge. IRAP also maintains a blog; publishes an electronic newsletter distributed to subscribers via email; and releases information via social media platforms such as Twitter and Facebook. Material obtained through FOIA are an integral part of this work, and IRAP routinely publishes materials that it obtains through FOIA.

Accordingly, IRAP is a “representative of the news media” within the meaning of the FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(iii) (defining a representative of the news media as an entity that “gathers information of potential interest to a segment of the public” and “uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience”); *accord Nat’l Sec. Archive v. U.S. Dep’t of Def.*, 880 F.2d 1381, 1397 (D.C. Cir. 1989). Other non-profits who similarly engage in media advocacy, in addition to other policy advocacy and legal work, have been found to be a “representative of a news media” within the meaning of the FOIA. *See, e.g., Serv. Women’s Action Network v. Dep’t of Def.*, 888 F. Supp. 2d 282, 287-88 (D. Conn. 2012) (concluding that the ACLU is a news representative); *Elec. Privacy Info. Ctr. v. Dep’t of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003) (same for the EPIC); *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (same for Judicial Watch, a public interest law firm with a website and a radio show).

FEE WAIVER

IRAP seeks a full fee waiver on the grounds that disclosure of the requested records is in the public interest and is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor.” 5 U.S.C. § 552(a)(4)(A)(iii). IRAP has no commercial interest in the records requested, and this request aims at furthering public understanding of government conduct: specifically, the types of records that the State Department maintains and the extent of the agency’s compliance with the letter and spirit of the FOIA.

In any event, as discussed *supra*, IRAP is a “representative of the news media” and does not seek the records requested for commercial use. Accordingly, should the government assess fees for the processing of this request, those fees should be “limited to reasonable standard charges for document duplication” alone. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

* * *

Thank you for your consideration of this request. Please provide the requested records to:

Alexandra Zaretsky
International Refugee Assistance Project
One Battery Park Plaza, 4th floor
New York, NY 10004
azaretsky@refugeerights.org

Please notify us in advance if the cost of producing the documents requested exceeds \$100.00. If you have any questions regarding this request, please contact Alexandra Zaretsky at azaretsky@refugeerights.org or Justin Cox at jcox@refugeerights.org.

Sincerely,

Alexandra Zaretsky, Litigation Fellow
International Refugee Assistance Project